

Regular Session, 2011

HOUSE BILL NO. 619

BY REPRESENTATIVES LEGER AND BISHOP

1 AN ACT

2 To enact Subpart B-46 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 33:130.841 through 130.848, relative to economic
4 and community development in Orleans Parish; to create the Louisiana Sports and
5 Entertainment District as a political subdivision of the state; to provide for the
6 boundaries and governance of the district; to provide for the board of commissioners
7 and its authority, powers, duties, and functions; to provide for the imposition of fees
8 on the use or occupancy of properties in the district; to provide for the authority to
9 create subdistricts within the district; to authorize the district to issue and sell bonds
10 and other debt obligations and to finance debt by the pledge of tax increments; and
11 to provide for related matters.

12 Notice of intention to introduce this Act has been published
13 as provided by Article III, Section 13 of the Constitution of
14 Louisiana.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Subpart B-46 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
17 Statutes of 1950, comprised of R.S. 33:130.841 through 130.848, is hereby enacted to read
18 as follows:

19 SUBPART B-46. LOUISIANA SPORTS AND ENTERTAINMENT DISTRICT

20 §130.841. Title

21 The provisions of this Subpart shall hereafter be known as and may be cited
22 as the "Louisiana Sports and Entertainment District Act".

23 §130.842. Louisiana Sports and Entertainment District; creation; territorial
24 jurisdiction

25 A. The Louisiana Sports and Entertainment District, a body politic and
26 corporate, referred to in this Subpart as the "district", is hereby created in the city of

1 New Orleans, referred to in this Subpart as the "city". The district shall be
2 comprised of all the property bounded by Poydras Street, Loyola Avenue, Girod
3 Street, South Liberty Street, Julia Street, Le Rouge Street, Howard Avenue, and
4 South Claiborne Avenue, referred to in this Subpart as the "property".

5 B. The district shall be a political subdivision of the state as defined in
6 Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI,
7 Sections 19 and 21 of the Constitution of Louisiana, the district is hereby granted all
8 of the rights, powers, privileges, and immunities accorded by law and the
9 Constitution of Louisiana to political subdivisions of the state, subject to the
10 limitations provided in this Subpart.

11 §130.843. Purpose

12 The district is created to provide for cooperative economic and community
13 development among the district, the city, the state, and the owners of property in the
14 district, to enhance the development of and improvement to the property within the
15 area of the district, and to expand the entertainment and leisure activities within the
16 district.

17 §130.844. Governance

18 A. In order to provide for the orderly development of the district and effect
19 the purposes of the district, the district shall be administered and governed by a
20 board of commissioners, referred to in this Subpart as the "board", composed of
21 those members duly appointed to and serving on the Board of Commissioners of the
22 Louisiana Stadium and Exposition District.

23 B. The members of the board shall serve without salary or per diem. The
24 board may reimburse any member for reasonable, actual, and necessary expenses
25 incurred in the performance of his duties pursuant to this Subpart.

26 C. The board shall elect from among its members a president, a vice
27 president, a secretary, and a treasurer, whose duties shall be those usual to such
28 offices. At the option of the board, the offices of secretary and treasurer may be held
29 by one person.

1 D. The board shall meet in regular session once each month and shall also
2 meet in special session as often as the president of the board convenes the board or
3 upon the written request of three members. A majority of the members of the board
4 shall constitute a quorum for the transaction of business. All such meetings shall be
5 public meetings subject to the provisions of R.S. 42:14. The board shall keep
6 minutes of all meetings and shall make them available for inspection through the
7 board's secretary or secretary-treasurer, who shall also maintain the minute books
8 and archives of the district. The monies, funds, and accounts of the district shall be
9 in the official custody of the board.

10 E. The domicile of the board shall be established by the board at a location
11 within the district. The official journal of the district shall be the official journal of
12 the Louisiana Stadium and Exposition District.

13 §130.845. Rights and powers

14 The district, acting by and through its board, shall have and exercise all
15 powers of a political subdivision necessary or convenient for the carrying out of its
16 objects and purposes, including but not limited to the following in addition to the
17 other rights and powers set out in this Subpart:

18 (1) To sue and be sued.

19 (2) To adopt, use, and alter at will a corporate seal.

20 (3) To acquire by gift, grant, purchase, or otherwise all property, including
21 rights-of-way; to hold and use any franchise or property, real, personal, or mixed,
22 tangible or intangible, or any interest therein, necessary or desirable for carrying out
23 the objects and purposes of the district.

24 (4) To enter into contracts for the purchase, lease, acquisition, construction,
25 and improvement of works and facilities necessary in connection with the purposes
26 of the district and to mortgage its properties and enter into leases and other
27 agreements on terms the board approves.

28 (5) To require and issue licenses with respect to properties and facilities
29 owned by the district.

1 (6) To regulate the imposition of fees and rentals charged by the district for
2 facilities owned and services rendered by it and to impose fees on the use or
3 occupancy of any other property within but not owned by the district with the
4 consent of the owner of such property.

5 (7) To appoint officers, agents, and employees, prescribe their duties, and fix
6 their compensation.

7 (8) To enter into cooperative endeavor agreements with any other party,
8 public or private, to accomplish the purposes of this Subpart.

9 (9) To exercise any and all of the powers granted to an economic
10 development district as if the district were an economic development district
11 established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana Revised
12 Statutes of 1950, including but not limited to the powers of tax increment financing
13 pursuant to R.S. 33:9038.33 and 9038.34 but excluding the power to levy taxes
14 within the district pursuant to R.S. 33:9038.39, provided that any such powers
15 exercised by the district shall be subject to the provisions of Part II of Chapter 27 of
16 Title 33 of the Louisiana Revised Statutes of 1950.

17 §130.846. Creation of subdistricts

18 The district may create subdistricts as provided in this Section. The district
19 shall publish notice of its intent to create a subdistrict in the official journal of the
20 district. At least ten days after publication of such notice in the official journal of the
21 district, the board shall conduct a public hearing on the question of creating such
22 subdistrict. Thereafter, the board may designate one or more areas within the
23 boundaries of the district as a subdistrict of the district. Each subdistrict shall
24 constitute a political subdivision of the state and shall be governed by the board.
25 Each subdistrict shall have the same powers as the district and shall be given a name
26 and designated as "Louisiana Sports and Entertainment District Subdistrict No. ____"
27 or such other suitable name as the board may designate.

28 §130.847. Bonds of the district

29 A. The district, or any subdistrict created by the district, is hereby authorized
30 and empowered to issue and sell from time to time bonds, notes, renewal notes,

1 refunding bonds, interim certificates, certificates of indebtedness, certificates of
2 participation, debentures, warrants, commercial paper, or other obligations or
3 evidences of indebtedness to provide funds for and to fulfill and achieve its public
4 purpose or corporate purposes, as set forth in this Subpart, including but not limited
5 to the payment of all or a portion of the costs of a project, to provide amounts
6 necessary for any corporate purposes, including necessary and incidental expenses
7 in connection with the issuance of the obligations, the payment of principal and
8 interest on the obligations of the district, the establishment of reserves to secure such
9 obligations, and all other purposes and expenditures of the district incident to and
10 necessary or convenient to carry out its public functions or corporate purposes, and
11 any credit enhancement for such obligations.

12 B. Except as may otherwise be provided by the board, all obligations issued
13 by the district, or any subdistrict created by the district, shall be negotiable
14 instruments and payable solely from the revenues of the district or subdistrict, as
15 applicable, as determined by the board, or from any other sources whatsoever, that
16 may be available to the district or subdistrict, as applicable, but shall not be secured
17 by the full faith and credit of the state or the city.

18 C. Obligations shall be authorized, issued, and sold by a resolution or
19 resolutions of the board. Such bonds or obligations may be of such series, bear such
20 date or dates, mature at such time or times, bear interest at such rate or rates,
21 including variable, adjustable, or zero interest rates, be payable at such time or times,
22 be in such denominations and in such form, carry such registration and
23 exchangeability privileges, be payable at such place or places, be subject to such
24 terms of redemption, and be entitled to such priorities on the income, revenue, and
25 receipts of, or available to, the district or subdistrict, as applicable, as may be
26 provided by the board in the resolution or resolutions providing for the issuance and
27 sale of the bonds or obligations of the district.

28 D. The obligations of the district, or any subdistrict created by the district,
29 shall be signed by such officers of the board by either manual or facsimile signatures

1 as shall be determined by resolution or resolutions of the board, and shall have
2 impressed or imprinted thereon the seal of the district, or a facsimile thereof.

3 E. Any obligations of the district, or any subdistrict created by the district,
4 may be validly issued, sold, and delivered, notwithstanding that one or more of the
5 officers of the board signing such obligations, or whose facsimile signature or
6 signatures may be on the obligations, shall have ceased to be such officer of the
7 board at the time such obligations shall actually have been delivered.

8 F. Obligations of the district, or any subdistrict created by the district, may
9 be sold at such price or prices, at public or private negotiated sale, in such manner
10 and from time to time as may be determined by the district to be most beneficial,
11 subject to approval of the State Bond Commission, and the district may pay all
12 expenses, premiums, fees, or commissions, which it may deem necessary or
13 advantageous in connection with the issuance and sale thereof.

14 G. The board may authorize the establishment of a fund or funds for the
15 creation of a debt service reserve, a renewal and replacement reserve, or such other
16 funds or reserves as the board may approve with respect to the financing and
17 operation of any project funded with the proceeds of such bonds and as may be
18 authorized by any bond resolution, trust agreement, indenture of trust, or similar
19 instrument or agreement pursuant to the provisions of which the issuance of bonds
20 or other obligations of the district or subdistrict may be authorized.

21 H. Any cost, obligation, or expense incurred for any of the purposes or
22 powers of the district specified in this Subpart shall be a part of the project costs and
23 may be paid or reimbursed as such out of the proceeds of bonds or other obligations
24 issued by the district or subdistrict.

25 I. For a period of thirty days from the date of publication of the resolution
26 authorizing the issuance of bonds hereunder, any persons in interest shall have the
27 right to contest the legality of the resolution and the legality of the bond issue for any
28 cause, after which time no one shall have any cause or right of action to contest the
29 legality of such resolution or of the bonds authorized thereby for any cause
30 whatsoever. If no suit, action, or proceeding is begun contesting the validity of the

1 bond issue within the thirty days prescribed in this Subsection, the authority to issue
2 the bonds and to provide for the payment thereof, and the legality thereof and all of
3 the provisions of the resolution authorizing the issuance of the bonds shall be
4 conclusively presumed, and no court shall have authority to inquire into such
5 matters.

6 J. Neither the members of the board nor any person executing the bonds shall
7 be personally liable for the bonds or be subject to any personal liability by reason of
8 the issuance thereof; however, the limitation of liability provided for in this
9 Subsection shall not apply to any gross negligence or criminal negligence on the part
10 of any member of the board or person executing the bonds.

11 K. All obligations authorized to be issued by the district, or any subdistrict
12 created by the district, pursuant to the provisions of this Subpart, together with
13 interest thereof, income therefrom, and gain upon the sale thereof shall be exempt
14 from all state and local taxes.

15 L. The state and all public officers, any parish, municipality, or other
16 subdivision or instrumentality of the state, any political subdivision, any bank,
17 banker, trust company, savings bank and institution, building and loan association,
18 savings and loan association, investment company or any person carrying on a
19 banking or investment business, any insurance company or business, insurance
20 association, and any person carrying on an insurance business, and any executor,
21 administrator, curator, trustee, and other fiduciary, and any retirement system or
22 pension fund may legally invest any funds belonging to it or within its control in any
23 bonds or other obligations issued by the district, or any subdistrict created by the
24 district, pursuant to the provisions of this Subpart, and such bonds or other
25 obligations shall be authorized security for all public deposits. It is the purpose of
26 this Subsection to authorize such persons, firms, corporations, associations, political
27 subdivisions and officers, or other entities, public or private, to use any funds owned
28 or controlled by them, including but not limited to sinking, insurance, investment,
29 retirement, compensation, pension and trust funds, and funds held on deposit, for the
30 purchase of any such bonds or other obligations of the district or subdistrict, and that

1 ~~any such bonds shall be authorized security for all public deposits; however, nothing~~
2 ~~contained in this Subsection with regard to legal investments or security for public~~
3 ~~deposits shall be construed as relieving any such person, firm, corporation, or other~~
4 ~~entity from any duty of exercising reasonable care in selecting securities.~~

5 §130.848. Liberal construction

6 This Subpart, being necessary for the welfare of the state, the city, and their
7 residents, shall be liberally construed to effect the purposes thereof.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____